

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

INTRODUCTION

I conducted a hearing on alleged violations of supervised release in this case on December 16, 2008. The defendant appeared pursuant to an appearance bond. The United States was represented by Andrew Friedman, and defendant was represented by Terrence Kellogg. Also present was U.S. Probation Officer Mark Chance. The proceedings were digitally recorded.

SENTENCE AND PRIOR VIOLATIONS

On December 6, 2005 the Court sentenced defendant to 24 months of imprisonment and one year of supervision following defendant's plea to aggravated identity theft. Defendant's term of supervision began on January 3, 2008.

On November 13, 2008, the probation department filed a violation report and request for warrant alleging defendant had used marijuana, failed to appear for urinanalysis, and failed to

1 make monthly payments toward restitution. The court issued an arrest warrant on November 14,
2 2008. On December 9, 2008, defendant was stopped for speeding and arrested on the warrant
3 issued by the Court. He made his initial appearance the same day and was released on an
4 appearance bond pending a revocation hearing scheduled for December 16, 2008.

5 PRESENTLY ALLEGED VIOLATIONS AND
6 DEFENDANT'S ADMISSION OF THE VIOLATION

7 In a petition dated November 13, 2008, Supervising U.S. Probation Officer Mark Chance
8 alleged that defendant violated the following conditions of supervised release:

9 1. Using marijuana on or before February 4, 2008, in violation of standard condition number
10 seven.

11 2. Failing to make monthly payments toward restitution since June 25, 2008, in violation of
12 special condition number five.

13 3. Using marijuana on or before July 16, 2008, in violation of standard condition number
14 seven.

15 4. Using marijuana on or before September 4, 2008, in violation of standard condition
16 number seven.

17 5. Failing to appear for urinanalysis testing on July 2, 2008; September 3 and 15, 2008;
18 October 15, 16, 27 and 28, 2008, in violation of special condition number five.

19 In a petition dated December 12, 2008, Supervising U.S. Probation Officer Mark Chance
20 alleged that defendant violated the following condition of supervised release:

21 1. Using marijuana on or before December 9, 2008, in violation of standard condition
22 number seven.

Defendant admitted all six violations. He was advised of his right to an evidentiary hearing and waived any hearing as to whether the violations occurred.

2. Defendant was advised that a disposition hearing was scheduled for January 16, 2009, at 11:30 am before the Honorable Marsha J. Pechman. Defendant remains in the community.

RECOMMENDED FINDINGS AND CONCLUSIONS

Based upon the foregoing, I recommend the court find that defendant has violated the conditions of his supervised release as alleged above, and conduct a disposition hearing.

DATED this 16th day of December, 2008.



BRIAN A. TSUCHIDA
United States Magistrate Judge